



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

SEP 23 2008

Ref: 8EPR-N

Selma Sierra, Utah State Director  
Utah State Office  
Bureau of Land Management  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155

RE: Final Resource Management Plan and  
Environmental Impact Statement for the  
Vernal Field Office Planning Area  
CEQ# 20080316

Dear Ms. Sierra

Consistent with our responsibilities and authorities under the National Environmental Policy Act and Section 309 of the Clean Air Act (CAA), the Region 8 Office of the U.S. Environmental Protection Agency (EPA) has reviewed the Final Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for the Bureau of Land Management's (BLM) Vernal Field Office Planning Area. The BLM manages approximately 1.7 million acres of public lands in Daggett, Duchesne, and Uintah Counties and a portion of Grand County in northeastern Utah. This RMP will revise and replace the current RMPs for this area, known as the Book Cliffs and Diamond Mountain Area RMPs. BLM intends to implement Alternative A, which is designed to accommodate a wide variety of values and uses of these public lands.

Our comments on the Final RMP/EIS focuses on five issues: (1) the lack of information provided regarding air quality impacts from oil and gas development, (2) our recommendations to further reduce the environmental impacts resulting from motorized vehicle travel on public lands, (3) our recommendations for additional areas to be managed as Areas of Critical Environmental Concern, (4) our analysis of the effects of oil and gas development in the planning area on climate change, and (5) our analysis of BLM's ability to adapt to the impacts caused by climate change.

**1. Lack of information on air quality impacts from oil and gas development.**

For the Vernal RMP Final EIS, the BLM presented an estimate of total emissions and air impacts for selected pollutants for the oil and gas construction, drilling and production of approximately 6,300 natural gas wells. The air impact analysis was conducted using the ISCST3 and CALPUFF modeling systems for near and far field analysis, respectively.

EPA is concerned that the BLM did not conduct an analysis of impacts on ozone levels in the Vernal RMP/EIS. Ozone has become a pollutant of concern as the limited monitoring sites in the area have indicated that ozone concentrations are near the limits in the recently promulgated NAAQS. EPA is concerned that the air analysis intended to address the impacts of cumulative oil and gas development did not quantify emissions or predict air impacts from potential Reasonably Foreseeable Development (RFD) sources. Specifically, EPA is concerned that BLM did not consider proposed oil shale or tar sands projects as reasonably foreseeable activities. In the section of the Final EIS regarding "BLM Response to Comments for Air Quality" at page 65 (AQ-54), BLM has stated that the Uinta Basin Air Quality Study (UBAQS) is currently being conducted based on the cooperative agreement between BLM and the Independent Petroleum Association of the Mountain States. It is the intent that the UBAQS will model potential ozone impacts from oil and gas in the Uinta Basin, however this process does not include a potential RFD projects pursuant to BLM's NEPA obligation either.

In our February 2005 comments on the Draft EIS, EPA recommended that BLM provide cumulative air quality modeling for this Final RMP/EIS be included in the Final EIS. Ozone concentrations are likely to increase due to the emissions of volatile organic compounds and oxides of nitrogen from current oil and gas development. For example, the monitored data from Canyonlands National Park has shown an increasing trend upwards near EPA's new ozone NAAQS. The only other air quality monitoring station that could have provided more regionally-specific ambient air quality data was a monitoring station in Vernal, Utah. Unfortunately this monitoring station was shut down by the Utah Division of Air Quality in December 2007. As noted in letter to you dated June 6, 2008, from UDAQ (attached as Appendix O to the FEIS), Utah is also concerned that the available monitoring demonstrates gradual upward trend in ozone levels. UDEQ advised BLM in this correspondence to include NO<sub>x</sub> reduction mitigations as conditions of lease approval.

Oil and gas development is projected to occur at a relatively fast pace with a potential for up to 6300 oil, gas, and coal bed natural gas wells under the Preferred Alternative A. Because of EPA's noted concerns about the air quality analysis and the high concentrations of ozone in the planning area, it is difficult to determine accurately potential impacts from future development. Therefore, EPA recommends that the Record of Decision contain specific commitments similar to the Pinedale Anticline Record of Decision regarding assurance of attainment of the visibility and NAAQS while oil and gas development proceeds. These measures may need to include natural gas fired or electrically-powered drilling rigs, gas or electric turbines for compressors, reduction of the number of storage tanks containing VOCs, Tier 2 or better emission drilling rigs, centralized gathering facilities, or reduction of the pace of development.<sup>1</sup>

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<sup>1</sup> Record of Decision, Final Supplemental EIS for the Pinedale Anticline Oil and Gas Exploration and Development Project, BLM, Pinedale Field Office, September 12, 2008, page 28.



Comments from several industry sources alleged that BLM does not have any direct authority over air quality or air emissions under the Clean Air Act. In the Final EIS in the response to these comments, the BLM states it agrees it does not have direct authority over air quality or emissions originating on public lands under the Clean Air Act since the State of Utah has primacy for compliance with the CAA. The goal for Air Quality in the Final RMP states that BLM will: "Maintain existing air quality and air quality related values by ensuring that all authorized uses on public lands comply with and support Federal, State, and local laws and regulations for protecting air quality." It is important to acknowledge that BLM does have the authority to obtain reduced air emissions from actions it approves for third parties operating on public lands as stated in the following provisions: (1) the National Environmental Policy Act and CEQ regulations, (2) the Energy Policy Act of 2005, (3) the Onshore Oil and Gas Order Number 1, and (4) the Federal Land Policy and Management Act of 1976 in its implementing regulations. The BLM's role in fulfilling these obligations is especially critical given that BLM, through its land management decisions, is one of the main agencies affecting air quality and visibility in the intermountain west. We look forward to working with the Vernal Field Office in NEPA compliance for future oil and gas developments within this planning area in order to reduce and minimize both regulated criteria pollutants and other harmful air emissions.

## **2. Recommendations to further reduce environmental impacts resulting from motorized vehicle travel on public lands.**

The public lands managed by BLM in the Vernal area are nationally renowned for their recreational opportunities, particularly for uses that involve off-highway vehicles and all terrain vehicles not normally found on city streets. As these motorized recreational uses can have a cumulative destructive effect, some of the public lands in the Vernal planning area have been significantly adversely impacted. In response to this problem, BLM now proposes to restrict off-highway vehicle use by limiting recreational travel on public lands to designated routes. While EPA agrees that this is an important step in the right direction, EPA remains concerned that BLM will be unable to adequately control and mitigate ongoing and future impacts to cultural, riparian, and other valuable resources without changes to the proposed travel and recreational management prescriptions beyond those proposed under Preferred Alternative A. Preferred Alternative A would allow these vehicles to travel up to 300 feet beyond each side of the trail. EPA is concerned that this alternative will promote misuse by sanctioning off-road motorized uses through open desert terrain which is vulnerable to abuse due to the fragile soil conditions. Given the BLM's limited funding for enforcement, allowing off-road vehicles an option to progress 300 feet on either side of the trail could also result in additional adverse impacts, particularly affecting riparian areas and streams.

In similar circumstances, the U.S. Forest Service has determined that appropriate discretion must be provided to the local federal land agency officials to limit use of motor vehicles within a specified distance of designated routes only for specific purposes. Consequently, the Forest Service's rule includes a provision which allows the federal land manager to limit the use of motor vehicle use for the purposes of big game retrieval or dispersed camping. Further, it must be recognized that in general the Forest Service will have less difficulty in managing uses of off-highway vehicles on their public lands due to limited vehicular



access conditions in densely forested areas. EPA recommends that BLM consider adopting practices that would restrict off-highway vehicles through the Vernal planning area to certain limited uses, similar to the provisions of the Forest Service's 2005 Travel Management Rule found at 36 CFR 212.51(b).<sup>2</sup>

### **3. Recommendations for additional areas to be managed as Areas of Critical Environmental Concern.**

We reiterate our suggestion that specific critical areas be further protected by their designation as Areas of Critical Environmental Concern (ACEC) as noted in our Draft RMP/EIS comments. These areas include all of the following potential ACECs: Coyote Basin, Four Mile Wash, Lower Green River Expansion, and the White River potential ACECs. These were a component of the Draft EIS Preferred Alternative A or Alternative C, but have not been advanced in their entirety as ACECs in this proposed RMP presented in the Final EIS.

### **4. Analysis of the effects of oil and gas development in the planning area on climate change.**

In our comments on the Draft EIS, EPA suggested that emissions of greenhouse gas (CO<sub>2</sub> and methane) from oil and gas development be included in the Final EIS. While BLM acknowledged the basic body of scientific evidence about the increase in these gases in the atmosphere and their adverse potential effects, BLM responded it would not be able to conduct this type of assessment until the EPA provided the regulatory protocol or emission standards regarding climate change. NEPA requires federal agencies to take a hard look at potential environmental impacts associated with their proposed actions. Lack of regulatory protocol or emission standards for greenhouse gases does not preclude BLM from fulfilling this responsibility. Analysis of greenhouse gas emissions will still be needed for future NEPA compliance regarding the approval of oil and gas operations in the Vernal planning area.

Although the Draft RMP/EIS mentions carbon dioxide (CO<sub>2</sub>) as a greenhouse gas that would be emitted by wildfires in the planning area, the document does not address potential effects of the RMP on climate change in general. The Final RMP/EIS should have included information on these effects from fires as well as the effects from oil and gas development. Specifically, we restate our recommendation that the BLM encourage oil and gas lessees to participate in EPA's Natural Gas STAR program. Through this program ([www.epa.gov/gasstar](http://www.epa.gov/gasstar)), EPA works with companies who produce natural gas to install cost-effective technologies and practices to reduce emissions of methane, a potent greenhouse gas. We recommend that BLM consider implementation of EPA's developed best management practices and other technologies and practices pursuant to our Natural Gas Star program for when developing the Record of Decision for the Vernal RMP since many of these air emission controls that reduce methane, a significant greenhouse gas, will also increase the maximum economic recovery of federally-leased natural gas.

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<sup>2</sup> Department of Agriculture, Forest Service, "Travel Management; Designated Routes and Areas for Motor Vehicle Use"; Final Rule, November 2005, <http://www.fs.fed.us/recreation/programs/ohv/final.pdf>.

## **5. Analysis of BLM's ability to adapt to the impacts caused by climate change.**

Several comments received on the Draft EIS suggested that BLM assess how the BLM might adapt its land management plans to respond to the impacts of climate change. In the Final EIS, BLM acknowledges that the assessment of climate change is in its formative stage and thus it is not now possible for BLM to understand the impact on a regional or local scale, nor develop plans to adapt to a changing climate. We recommend that BLM work with other agencies that have recently developed predictive analysis for areas within or near the Vernal planning area. In particular, we invite the BLM to consider ways to reduce dust that may impact early on-set of snow melt within the Colorado River drainage and to continue its on-going role in removing water-consuming invasive plants. See, for example, the analysis provided by the National Research Council regarding responses to the lower stream flow potential on the Colorado River.<sup>3</sup>

EPA recognizes the complexity and diversity of the proposed resource management actions and supports BLM's intention to move forward to implement a new RMP plan based on emerging issues and changing circumstances. We expect that planning issues discussed in our comments will continue to be among those monitored as the plan is implemented. If you would like to discuss these comments, or any other issues related to our review of the Final RMP/EIS, please contact Weston Wilson at 303-312-6562. Thank you for the opportunity to comment.

Sincerely,



Larry Svoboda  
Director, NEPA Program  
Office of Ecosystems Protection and Remediation

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<sup>3</sup> Colorado River Basin Water Management: Evaluating and Adjusting to Hydroclimatic Variability, Committee on the Scientific Bases of Colorado River Basin Water Management, National Research Council, 2007, <http://www.onthecolorado.com/Resources/ClimateDocs/NAS2007.pdf>

